

CERTIFICATION OF ENROLLMENT

SENATE BILL 6643

Chapter 146, Laws of 2004

58th Legislature
2004 Regular Session

DEPENDENT CHILDREN FAMILY VISITS

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 9, 2004
YEAS 42 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2004
YEAS 94 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6643** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 26, 2004.

FILED

March 26, 2004 - 3:17 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6643

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Stevens, Hargrove, Schmidt and Carlson

Read first time 01/28/2004. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to family visitation for dependent children;
2 amending RCW 13.34.136; adding new sections to chapter 13.34 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.34.136 and 2003 c 227 s 4 are each amended to read
6 as follows:

7 (1) Whenever a child is ordered removed from the child's home, the
8 agency charged with his or her care shall provide the court with:

9 (a) A permanency plan of care that shall identify one of the
10 following outcomes as a primary goal and may identify additional
11 outcomes as alternative goals: Return of the child to the home of the
12 child's parent, guardian, or legal custodian; adoption; guardianship;
13 permanent legal custody; long-term relative or foster care, until the
14 child is age eighteen, with a written agreement between the parties and
15 the care provider; successful completion of a responsible living skills
16 program; or independent living, if appropriate and if the child is age
17 sixteen or older. The department shall not discharge a child to an
18 independent living situation before the child is eighteen years of age
19 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

1 (b) Unless the court has ordered, pursuant to RCW 13.34.130(4),
2 that a termination petition be filed, a specific plan as to where the
3 child will be placed, what steps will be taken to return the child
4 home, what steps the agency will take to promote existing appropriate
5 sibling relationships and/or facilitate placement together or contact
6 in accordance with the best interests of each child, and what actions
7 the agency will take to maintain parent-child ties. All aspects of the
8 plan shall include the goal of achieving permanence for the child.

9 (i) The agency plan shall specify what services the parents will be
10 offered to enable them to resume custody, what requirements the parents
11 must meet to resume custody, and a time limit for each service plan and
12 parental requirement.

13 (ii) Visitation is the right of the family, including the child and
14 the parent, in cases in which visitation is in the best interest of the
15 child. Early, consistent, and frequent visitation is crucial for
16 maintaining parent-child relationships and making it possible for
17 parents and children to safely reunify. The agency shall encourage the
18 maximum parent and child and sibling contact possible, when it is in
19 the best interest of the child, including regular visitation and
20 participation by the parents in the care of the child while the child
21 is in placement. Visitation shall not be limited as a sanction for a
22 parent's failure to comply with court orders or services where the
23 health, safety, or welfare of the child is not at risk as a result of
24 the visitation. Visitation may be limited or denied only if the court
25 determines that such limitation or denial is necessary to protect the
26 child's health, safety, or welfare. The court and the agency should
27 rely upon community resources, relatives, foster parents, and other
28 appropriate persons to provide transportation and supervision for
29 visitation to the extent that such resources are available, and
30 appropriate, and the child's safety would not be compromised.

31 (iii) A child shall be placed as close to the child's home as
32 possible, preferably in the child's own neighborhood, unless the court
33 finds that placement at a greater distance is necessary to promote the
34 child's or parents' well-being.

35 (iv) The agency charged with supervising a child in placement shall
36 provide all reasonable services that are available within the agency,
37 or within the community, or those services which the department has

1 existing contracts to purchase. It shall report to the court if it is
2 unable to provide such services; and

3 (c) If the court has ordered, pursuant to RCW 13.34.130(4), that a
4 termination petition be filed, a specific plan as to where the child
5 will be placed, what steps will be taken to achieve permanency for the
6 child, services to be offered or provided to the child, and, if
7 visitation would be in the best interests of the child, a
8 recommendation to the court regarding visitation between parent and
9 child pending a fact-finding hearing on the termination petition. The
10 agency shall not be required to develop a plan of services for the
11 parents or provide services to the parents if the court orders a
12 termination petition be filed. However, reasonable efforts to ensure
13 visitation and contact between siblings shall be made unless there is
14 reasonable cause to believe the best interests of the child or siblings
15 would be jeopardized.

16 (2) If the court determines that the continuation of reasonable
17 efforts to prevent or eliminate the need to remove the child from his
18 or her home or to safely return the child home should not be part of
19 the permanency plan of care for the child, reasonable efforts shall be
20 made to place the child in a timely manner and to complete whatever
21 steps are necessary to finalize the permanent placement of the child.

22 (3) The court shall consider the child's relationships with the
23 child's siblings in accordance with RCW 13.34.130(3).

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
25 to read as follows:

26 The court may order expert evaluations of parties to obtain
27 information regarding visitation issues or other issues in a case.
28 These evaluations shall be performed by appointed evaluators who are
29 mutually agreed upon by the court, the state, and the parents' counsel,
30 and, if the child is to be evaluated, by the representative for the
31 child. If no agreement can be reached, the court shall select the
32 expert evaluator.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
34 to read as follows:

35 The department of social and health services shall develop
36 consistent policies and protocols, based on current relevant research,

1 concerning visitation for dependent children to be implemented
2 consistently throughout the state. The department shall develop the
3 policies and protocols in consultation with researchers in the field,
4 community-based agencies, court-appointed special advocates, parents'
5 representatives, and court representatives. The policies and protocols
6 shall include, but not be limited to: The structure and quality of
7 visitations; and training for caseworkers, visitation supervisors, and
8 foster parents related to visitation.

9 The policies and protocols shall be consistent with the provisions
10 of this chapter and implementation of the policies and protocols shall
11 be consistent with relevant orders of the court.

12 NEW SECTION. **Sec. 4.** The department of social and health services
13 shall report on the policies and protocols required under section 3 of
14 this act to the appropriate committees of the legislature by January 1,
15 2005.

Passed by the Senate March 9, 2004.

Passed by the House March 5, 2004.

Approved by the Governor March 26, 2004.

Filed in Office of Secretary of State March 26, 2004.